

DISPOSITION: May 25, 1954. Byrne Products, Inc., having filed a claim and answer and later having withdrawn such claim and answer, judgment of condemnation was entered and the court ordered that the product be destroyed.

4355. Adulteration and misbranding of rubber prophylactics. U. S. v. 32 Gross * * *. (F. D. C. No. 36229. Sample No. 60129-L.)

LIBEL FILED: January 8, 1954, Northern District of Georgia.

ALLEGED SHIPMENT: On or about October 5, 1953, by the Chemical Latex Exchange, from Philadelphia, Pa.

PRODUCT: 32 gross of *rubber prophylactics* at Atlanta, Ga. Examination of 144 units of the product showed that 8 were dried out and could not be unrolled without damage and were therefore unsuitable for use.

LABEL, IN PART: "Zenith Lubri-Pak."

NATURE OF CHARGE: Adulteration, Section 501 (c), the quality of the article fell below that which it purported and was represented to possess.

Misbranding, Section 502 (a), the label statements "Prophylactic" and "For the prevention of disease" were false and misleading as applied to the article, which was dried out and could not be unrolled without damage.

DISPOSITION: February 3, 1954. Default decree of condemnation and destruction.

DRUGS AND DEVICES ACTIONABLE BECAUSE OF FALSE AND MISLEADING CLAIMS

DRUGS FOR HUMAN USE*

4356. Misbranding of Gramer's Sulgly-Minol. U. S. v. 21 Bottles * * * (and 1 other seizure action). (F. D. C. Nos. 36215, 36216. Sample Nos. 14749-L, 14750-L.)

LIBELS FILED: January 4, 1954, District of Colorado.

ALLEGED SHIPMENT: During the last 6 months of the year 1953, by Walter W. Gramer, from Minneapolis, Minn.

PRODUCT: 127 bottles of *Gramer's Sulgly-Minol* at Denver, Colo., together with a number of circulars headed "Arthritis Hundreds Claim Its Grip Broken" and "A Light Should Not Be Hidden Testimonials * * * we have received from people who have been relieved from the pains of Arthritis and Rheumatism by using 'Sul-Gly Minol.'"

LABEL, IN PART: (Bottle) "4 Fl. Ozs. Gramer's Sulgly-Minol * * * A solution of Sulphur, Glycerine, Sulphurated Lime and Isopropyl Alcohol 6% * * * For the relief of muscular pains and soreness, add 1 tablespoon to 1 quart of warm water for foot bath, also apply direct to soles of feet. Add one-fourth bottle to tub of water for sulphur tub bath."

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements in the above-mentioned circulars accompanying the article were false and misleading. The statements represented and suggested that the article, diluted with water and used as a foot bath, applied to the soles of the feet, or used as a tub bath, was an adequate and effective treatment for arthritis, pain in the legs, hips, back, and arms, ailments of a rheumatic nature, and stiffness and soreness of legs and knees. The article, when used as directed, was not an ade-

*See also Nos. 4350, 4352-4355.